

Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	New
		Filing Date	Herewith
		First Named Inventor	Randal Eckert
		Art Unit	TBD
		Examiner Name	TBD
Sheet 1.	of 2	Attorney Docket Number	2101363-991600

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) ☒ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached FORM PTO-A820 be made of record in this application. The cited references were previously disclosed in parent Application No. 10/077,624, filed February 14, 2002, and are not enclosed.

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Sheet	2	of	2

Each item of information listed in the attached FORM PTO-A820, may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896

Date:

11/12/03

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

By:

Nan Wu

Reg. No. 43,360

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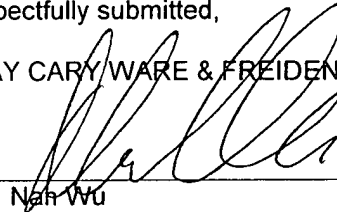
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Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

By:



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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) 2101363-991600		Application Number New	
				Applicant(s) Randal Eckert, et al.			
				Filing Date Herewith		Group Art Unit TBD	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,057,313	10-15-91	Lisa B. Shih, et al.	424	1.53	08-23-88
	AB	5,726,293	03-10-98	Brian Seed	530	413	05-27-94
	AC	4,671,958	06-09-87	John D. Rodwell	424	1.53	03-09-82
	AD	5,910,573	06-08-99	Andreas Pluckthun, et al.	530	387.3	07-22-94
	AE	5,646,119	07-08-97	Frank G. Oppenheim, et al.	514	12	07-07-95
	AF	5,851,527	12-22-98	Hans Hansen	424	178.1	05-19-95
	AG	5,645,835	07-08-97	Henry Fell, Jr., et al.	424	134.1	05-23-94
	AH	6,197,299	03-06-01	Mikael Dohlsten, et al.	424	183.1	09-16-98
	AI	5,672,351	09-30-97	Michael Chikindas, et al.	424	401	12-11-95
	AJ	6,183,744	02-06-01	David M. Goldenberg	424	141.1	03-12-98
	AK	5,981,726	11-09-99	Ira Pastan	536	23.53	10-28-94

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	AL	WO 99/58141	11-18-99	Europe	A61K	38/16	✓	
	AM	WO 02/22686 A2	03-21-02	Europe	C07K	16/00	✓	

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>	
	AN Database DIALOG No. BG195051081. NICOLAS, P., "Peptides as Weapons Against Microorganisms in the Chemical Defense System of Vertebrates." Annual Review of Microbiology, Vol. 49, pp. 277-304 (1995).
	AO International Search Report mailed January 2, 2003

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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*EXAMINER INITIAL	OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
AP	SUE M. TRAVIS, et al., Bactericidal Activity of Mammalian Cathelicidin-Derived Peptides, Infection and Immunity, Vol. 68 No. 5:2748-2755, American Society for Microbiology, May 2000 (United States).
AQ	JENS-M. SCHRODER, Commentary: Epithelial Peptide Anti-Biotics, Biochemical Pharmacology, Vol. 57, pp. 121-134, 1999, Elsevier Science.
AR	MANUEL L. PENICHET et al., Antibody-Cytokine Fusion Proteins For the Therapy Of Cancer, Journal of Immunological Methods, Vol. 248:91-1001 (2000), Elsevier Science B.V.
AS	PENG LI et al., An Antimicrobial Peptide Gene Found in the Male Reproductive System Of Rats, Science Vol. 291:1783-1785.
AT	SHERIE L. MORRISON et al., Chimeric Human Antibody Molecules: Mouse Antigen-Binding Domains with Human Constant Region Domains, Proceedings Of The National Academy Of Sciences U.S.A. Vol. 81:6851-6855 (1984).
AU	STEVEN A. MARSHALL et al., Spectrum and Antimicrobial Activity of Alexomycin: (PNU-82, 127), A Peptide Compound Projected for Use in Animal Health, Diagnostic Microbiology, Infectious Diseases Vol. 33: 181-186 (1999), Elsevier Science, Inc. U.S.A.
AV	KENNETH T. MIYASAKI et al., "S-Sheet Antibiotic Peptides As Potential Dental Therapeutics, International Journal Of Antimicrobial Agents, Vol. 9:269-280 (1988), Elsevier Science, B.V.
AW	EVA J. HELMEHORST et al., Biochemical Journal, Vol. 326:39-45 (1997), Great Britain
AX	ANDREA GIACOMETTI et al., "Antimicrobial Activity Of Polycationic Peptides," Vol. 20:1265-1273 (1999), Elsevier Science, Inc.
AY	KATE FORTNEY et al., Haemophilus ducreyi Is Susceptible to Protegrin, Antimicrobial Agents and Chemotherapy, Vol. 42:2690-2693 (1998).

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